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CELSIUS HOLDINGS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROCKSTAR, INC.,

Plaintiff,

vs.

CELSIUS HOLDINGS, INC.,

Defendant.

) Case No.: 2:18-cv-02371-GMN-NJK

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) **INTERIM STATUS REPORT**

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) Judge: Honorable Gloria M. Navarro

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2:18-cv-02371-GMN-NJK

Pursuant to the Order entered at ECF #48 and L.R. 26-3, the parties set forth their interim status report as follows:

1. The time the parties estimate will be required for trial, giving 3 alternative available trial dates, and stating whether, in the opinion of the attorneys or pro se parties who will try the case, trial will be eliminated or its length affected by substantive motions.

PLAINTIFF:

Rockstar estimates that trial will require 3-4 days. Rockstar is generally available for trial in March and April 2020, and specifically the weeks of March 23, March 30 and April 6, 2020. Trial may be shortened based on narrowing of issues through substantive motions but Rockstar does not believe that the need for trial will be eliminated.

DEFENDANT: Celsius estimates the time required for trial to be 3-5 days. In the opinion of Celsius' attorneys, trial will be eliminated by substantive motions including Celsius' Motion for Summary Judgment and for Judgment on the Pleadings filed at ECF #42. Celsius is generally available the weeks of May 26, June 15 and June 22, 2019.

2. The parties must certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01), and the use of alternative dispute-resolution processes including mediation, arbitration, and early neutral evaluation.

PLAINTIFF:

Rockstar so certifies but does not at this time agree to trial by a magistrate judge or use of the Short Trial Program. Rockstar does not believe that ADR would be fruitful

at this time but would consider ADR (specifically mediation) at a later time should both parties agree.

DEFENDANT: Celsius so certifies but at this time it does not agree to a trial by magistrate judge. Celsius would consider the use of ADR processes after discovery cut-off but at this time does not believe that they would be fruitful.

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